

	Application No.	Applicant(s)	Applicant(s)	
Notice of Allowability	10/042,914	SMITH ET AL.		
	Examiner	Art Unit		
E	Loon C Mattio	2616		
	Jason E. Mattis	2616		
The MAILING DATE of this communication app All claims being allowable, PROSECUTION ON THE MERITS Is herewith (or previously mailed), a Notice of Allowance (PTOL-88 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT I of the Office or upon petition by the applicant. See 37 CFR 1.31	S (OR REMAINS) CLOSED in 5) or other appropriate commul RIGHTS. This application is su	this application. If not includation will be mailed in due	ded e course. <b>THIS</b>	
1. X This communication is responsive to the After-Final Ame	ndment filed 10/24/06.			
2. 🔀 The allowed claim(s) is/are <u>1, 3-7, 9-11, 13-20, 22-27, an</u>	nd 29-33 renumbered as claims	: 1-28 respectively.		
3. ☐ Acknowledgment is made of a claim for foreign priority of a laim foreign priority of a laim for foreign priority of a laim foreign priority o		r (f).		
Certified copies of the priority documents have				
2. Certified copies of the priority documents have	• •	···		
<ol><li>Copies of the certified copies of the priority d</li></ol>	ocuments have been received	in this national stage applic	ation from the	
International Bureau (PCT Rule 17.2(a)).				
* Certified copies not received:				
Applicant has THREE MONTHS FROM THE "MAILING DATE noted below. Failure to timely comply will result in ABANDON THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		a reply complying with the re	equirements	
4. A SUBSTITUTE OATH OR DECLARATION must be sub- INFORMAL PATENT APPLICATION (PTO-152) which gi			NOTICE OF	
5. CORRECTED DRAWINGS ( as "replacement sheets") ma	ust be submitted.			
(a) I including changes required by the Notice of Draftspe	rson's Patent Drawing Review	(PTO-948) attached		
1) ☐ hereto or 2) ☐ to Paper No./Mail Date				
<ul><li>(b) ☐ including changes required by the attached Examine Paper No./Mail Date</li></ul>	r's Amendment / Comment or i	n the Office action of		
Identifying indicia such as the application number (see 37 CFR each sheet. Replacement sheet(s) should be labeled as such in			e back) of	
<ol> <li>DEPOSIT OF and/or INFORMATION about the dep attached Examiner's comment regarding REQUIREMENT</li> </ol>	OSIT OF BIOLOGICAL MATE FOR THE DEPOSIT OF BIO	RIAL must be submitted. LOGICAL MATERIAL.	Note the	
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Attachment(s)				
1. Notice of References Cited (PTO-892)		ormal Patent Application		
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	) 6. ☐ Interview Sul Paper No./N	mmary (PTO-413), ⁄/ail Date		
3. Information Disclosure Statements (PTO/SB/08),	7. 🛭 Examiner's A	/lail Date Amendment/Comment		
Paper No./Mail Date  4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. 🗌 Examiner's S	Statement of Reasons for All	owance	
	9.	9.  Other		
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### **DETAILED ACTION**

1. This Office Action is in response to the After-Final Amendment filed 10/24/06. Due to the amendment, the previous rejection of claims 1, 3-7, 9-11, 13-16, 23-27, and 29 under 35 U.S.C. 112 second paragraph has been withdrawn. Claims 1, 3-7, 9-11, 13-20, 22-27, and 29-33 are currently pending in the application.

## **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Frame on 11/13/06.

The application has been amended as follows:

## IN THE CLAIMS:

In line 1 of claim 11, the word "Logic" has been deleted and replaced with the phrase "A computer program". In line 2 of claim 11, the phrase "operable to perform"

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has been deleted and replaced with the word "performing" such that lines 1-2 of claim 11 now read as follows:

"A computer program embodied in a computer readable medium performing the steps of:"

In line 1 of claim 13, both instances of the word "logic" have been deleted and replaced with the phrase "computer program". In lines 1-2 of claim 13 the phrase "is further operable to perform" has been deleted and replaced with the phrase "further performs" such that lines 1-2 of claim 13 now read as follows:

"The computer program of Claim 11, wherein the computer program further performs the steps of:"

In line 1 of claim 14, the word "logic" has been deleted and replaced with the phrase "computer program".

In line 1 of claim 15, the word "logic" has been deleted and replaced with the phrase "computer program".

# Allowable Subject Matter

3. Claims 1, 3-7, 9-11, 13-20, 22-27, and 29-33 are allowed.

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### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E. Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600